

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-24246 - APPLICANT/OWNER: BRIAN J. HORNER

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to the conditions for General Plan Amendment (GPA-24245) and Rezoning (ZON-24256), if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 08/28/07, except as amended by conditions herein.
4. No signage area or number of signs is approved as a part of this review. All signage shall be reviewed at the time of permitting by the Building and Safety Department and must adhere to LVMC Title 19.14.060 (C).
5. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: The existing Pedestrian Path along Oakey Boulevard must be represented and adhere to Exhibit 2 of the Transportation Trails Element of The Las Vegas 2020 Master Plan. Further, the plan shall depict at least 30 trees planted in accordance with LVMC Title 19.12.040 within the perimeter landscape buffers and two trees planted in accordance with LVMC Title 19.10.010 (J) (11) (c).
6. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
9. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

12. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
13. The proposed driveway shall be designed, located and constructed in accordance with Standard Drawing #224.
14. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
15. This site will be subject to the traffic signal impact fee as required by Ordinance No. 5644 at the time permits are issued.
16. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed conversion of a 2,716 square-foot single family, detached residence to a commercial office. The subject site is one of three lots that are collectively requesting a General Plan Amendment (GPA-24245) and Rezoning (ZON-24256) to allow an O (Office) General Plan designation and a P-R (Professional Office and Parking) zoning district. The subject site, located on 0.46 acres at 6825 West Oakey Boulevard, is the only one of the three properties involved in the designation and district change requests that is currently prepared to complete the site development plan review process.

The applicant has indicated that there will be a fair amount of remodel work done to make the existing residential structure more commercial in appearance, including façade improvements that incorporate decorative metal awnings and storefront window assemblies. The infiltration of commercial activity, even this low intensity type of development, into a predominantly residential area is not compatible with adjacent development and denial of this request is recommended.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|---|---|
| 05/24/99 | The City Council denied a request for a General Plan Amendment (GPA-0009-99) to designate a portion of the subject properties, 6811 and 6825 West Oakey Boulevard, from L (Low Density Residential) to O (Office). A companion Rezoning (Z-0014-99) to go from R-E (Residence Estates) to P-R (Professional Office and Parking) for a proposed professional office use was also denied. The Planning Commission tied during the voting and staff had recommended denial. |
| 10/11/07 | The Planning Commission recommended denial of companion items GPA-24245 and ZON-24256 concurrently with this application. The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #36/rts). |
| <i>Related Building Permits/Business Licenses</i> | |
| There are no active or pending building permits or business licenses for this site. | |
| <i>Pre-Application Meeting</i> | |
| 08/10/07 | A pre-application meeting was held and elements of this application were discussed. Public Works brought to the applicant's attention concerns regarding the driveway widths and the Building Department talked about the extent of change that maybe needed to convert the existing structures from residential to commercial uses. It was noted that if the proposed conversion required any landscape waivers that they must be clearly and fully detailed in the justification letter. Submittal requirements were discussed. |

| <i>Neighborhood Meeting</i> | |
|------------------------------------|---|
| 09/12/07 | <p>A neighborhood meeting was held at Memphis Championship Barbecue, 1401 South Rainbow Boulevard. Thirteen members of the public attended. Those in attendance had the following comments and concerns:</p> <ul style="list-style-type: none"> • Parking lot and Office will be unsecured at night and could attract undesirables; • Reduction of Property Values; • Will have a domino effect on zoning down Oakey; • Traffic will increase; • Owner does not maintain property now; what will happen when office is built; and • Generally all in attendance were opposed. |

| <i>Field Check</i> | |
|---------------------------|--|
| 09/14/07 | <p>The Department of Planning and Development conducted a site visit that found that there is an existing single family home on each of the three lots. Further, these are the only three residential lots on the block that front onto West Oakey Boulevard. There is no non-residential infiltration east of the shopping center that fronts onto Rainbow Boulevard.</p> |

| <i>Details of Application Request</i> | |
|--|------|
| <i>Site Area</i> | |
| Net Acres | 0.46 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|-----------------------------|--------------------------|--------------------------------|---|
| Subject Property | Single Family, Detached | R (Rural Density Residential) | R-E (Residence Estates) [Proposed: P-R (Professional Office and Parking)] |
| North | Condominiums | M (Medium Density Residential) | R-PD17 (Residential Planned Development - 17 Units Per Acre) |
| South | Single Family, Detached | R (Rural Density Residential) | R-E (Residence Estates) |
| East | Single Family, Detached | R (Rural Density Residential) | R-E (Residence Estates) |
| West | Shopping Center | SC (Service Commercial) | C-1 (Limited Commercial) |

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|-------------------|------------------|--------------------------|
| Special Area Plan | | X | n/a |
| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| Special Purpose and Overlay Districts | | X | n/a |
| Trails | X | | Y * |
| Rural Preservation Overlay District | X | | Y |
| Development Impact Notification Assessment | | X | n/a |
| Project of Regional Significance | | X | n/a |

- * There is an existing Pedestrian Path along West Oakey Boulevard. New development on the site must adhere to Exhibit 2 of the Transportation Trails Element of The Las Vegas 2020 Master Plan. An, if approved, condition has been added to this review, that the required technical landscape plan must reflect the pedestrian trail and adhere to the above referenced exhibit.

DEVELOPMENT STANDARDS

Development standards for the proposed P-R (Professional Office) zoning district are outlined below. The subject site is the only one of the three properties that are a part of the companion Rezoning (ZON-24256) request that is prepared to proceed with a site development plan review, which is examined here. Code compliance with regard to the development standards for a P-R (Professional Office and Parking) zoning district for the two properties not a part of this review will need to be explored as a part of any subsequent site development plan reviews for those lots.

Pursuant to Title 19.08, the following development standards apply:

| <i>Standard</i> | <i>Required/Allowed</i> | <i>Proposed</i> | <i>Compliance</i> |
|------------------------|--|------------------------|--------------------------|
| Min. Lot Size | n/a | 20,038 SF | n/a |
| Min. Lot Width | 60 Feet | 102.5 Feet | Y |
| Min. Setbacks | | | |
| • Front | 20 Feet | 70 Feet | Y |
| • Side | 5 Feet | ≥ 5 Feet | Y |
| • Corner | 15 Feet | n/a | Y |
| • Rear | 15 Feet | 65.5 Feet | Y |
| Max. Lot Coverage | 50% | 14% | Y |
| Max. Building Height | 2 Stories / 35 Feet (whichever is less) | 1 Story / 15 Feet | Y |
| Trash Enclosure | Screened | Not Provided | Y |
| Mech. Equipment | Screened | Not Indicated | Unknown * |

- * A standard, if approved, condition is included within this review, that all mechanical equipment must be properly screened.

Pursuant to Title 19.08.160, the following residential adjacency standards apply:

| <i>Residential Adjacency Standards</i> | <i>Required/Allowed</i> | <i>Proposed</i> | <i>Compliance</i> |
|---|---------------------------------|------------------------|--------------------------|
| 3:1 proximity slope | n/a (Max. Height 15 Feet) | 65.6 Feet | Y |
| Adjacent development matching setback | 35 Feet | 65.6 Feet | Y |
| Trash Enclosure | 50 Feet | Not Provided | n/a |

Pursuant to Title 19.10 and Title 19.12, the following landscaping standards apply:

| <i>Landscaping and Open Space Standards</i> | | | | |
|--|-------------------------|---------------------|------------------------|--------------------------|
| <i>Standards</i> | <i>Required</i> | | <i>Provided</i> | <i>Compliance</i> |
| | <i>Ratio</i> | <i>Trees</i> | | |
| Parking Area | 1 Tree / 6 Spaces | 2 Trees | 0 Trees | N * |
| Buffer: Min. Trees | 1 Tree / 20 Linear Feet | 30 Trees | 6 Trees | N * |
| TOTAL | | 32 Trees | 6 Trees | N * |
| Min. Zone Width | 5 Feet @ Interior P Ls | | 5 Feet | Y |
| | 15 Feet @ P L @ ROW | | 15 Feet | Y |
| Wall Height | 6 Feet | | 6 Feet | Y |

- * No waivers have been requested as a part of this site development plan review; therefore, the standard, if approved, condition requiring the submittal of a technical landscape plan has been modified to include the requirement that the appropriate amount of landscaping be provided along the perimeter and in the parking area in accordance with Title 19.10.010 (J) (11) (c) and Title 19.12.040, respectively.

Pursuant to Title 19.04 and Title 19.10, the following parking standards apply:

| Parking Requirement | | | | | | | |
|----------------------------|-------------------------------------|----------------------|-----------|--------------|-----------|--------------|------------|
| Use | Gross Floor Area or Number of Units | Required | | | Provided | | Compliance |
| | | Parking Ratio | Parking | | Parking | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Office, Other Than Listed | 2,726 SF | 1 Space / 300 SF GFA | 9 Spaces | 1 Space | 9 Spaces | 1 Space | Y |
| TOTAL (including handicap) | | | 10 Spaces | | 10 Spaces | | Y |

| Monument Signs: [“Freestanding Sign”] * | | |
|--|--------------------------------|--------------------------------|
| Standards | Allowed | Provided |
| Maximum Number | 1 / Street frontage 1 total | 1 / Street frontage 1 total |
| Maximum Area | 75 SF /sign | 48 SF / sign (24 SF per side) |
| Maximum Height | 10 Feet | 6.5 Feet |
| Minimum Setback | 5 Feet | 5 Feet |
| Illumination | Direct/Internal | No Illumination Indicated |

| Wall Signs: [As depicted on the North Elevation Plan, date stamped 08/28/07] * | | |
|---|--|--|
| Standards | Allowed | Provided |
| Maximum Number | 1 / Street Facing Elevation / Tenant 1 total | 2 / Street Facing Elevation / Tenant 2 total * |
| Maximum Area | Equivalent to 10% of Elevation | No Dimensions Indicated |
| Maximum Projection | 2 Feet | No Projection Indicated |
| Illumination | Internal/External | No Illumination Indicated |

- * While depicting proposed signage is a requirement of submittal, signage is generally approved at the time of permitting unless a Master Sign Plan has been required. The wall signage depicted on the north elevation, date stamped 08/28/07, is in excess of the number of signs permitted for a single tenant office space. All signage shall be reviewed at the time of permitting and must adhere to Title 19.14.060 (C). An “if approved” condition has been added to this review to that effect.

ANALYSIS

The subject site is located on the Southwest Sector Map of the General Plan. The site has an existing designation of R (Rural Density Residential). A General Plan Amendment (GPA-24245) would change the existing land use designation to O (Office) for the subject property and the adjacent parcels to the east and west. The O (Office) category allows for small lot office conversions as a transition along primary and secondary streets from residential and commercial uses, and for large planned office areas. Permitted uses include business, professional and financial offices as well as offices for individuals, civic, social, fraternal and other non-profit organizations. The project proposes to convert the existing 2,726 square-foot single family, detached residential building into a commercial office use on the 0.46 acre project site. The proposed use for this property is permissible in the proposed O (Office) General Plan designation.

There is a Rezoning (ZON-24256) that proposes to change the subject parcel and the adjacent properties' zoning from R-E (Residence Estates) to P-R (Professional Office and Parking). The proposed P-R (Professional Office and Parking) zoning district is designed to provide office uses in an area which is predominantly residential but because of traffic and other factors is no longer suitable for the continuation of low density residential uses. This district is designed to be a transitional zone to allow low intensity administrative and professional offices. These uses are characterized by a low volume of direct daily client and customer contact. To decrease the impact to adjacent residential uses, single family structures should be retained or new development in the P-R District should be constructed to maintain a residential character. The proposed use for this location is permissible, in the proposed P-R (Professional Office and Parking) zoning district which is compatible with the proposed O (Office) General Plan designation.

The subject parcel is within the Rural Preservation Overlay District boundaries. This district, consisting of those areas that are deemed consistent with the definition and intent of a rural preservation neighborhood, is intended to: 1) ensure that the rural character of each rural preservation neighborhood is preserved; 2) unless a rural preservation neighborhood is located within three hundred thirty feet of an existing or proposed street or highway that is more than ninety-nine feet wide, maintain the rural character of the area developed as a low density residential development; 3) provide adequate buffer areas, adequate screening and an orderly and efficient transition of land uses, excluding raising or keeping animals commercially or non-commercially; and 4) establish a basis for the modification of standards for the development of infrastructure to maintain the rural character of the rural preservation neighborhood. The residential density of properties within this area is not to exceed two units per acre. The existing R (Rural Density Residential) General Plan designation and the R-E (Residence Estates) zoning district are in compliance with this intent. The change of designation to O (Office) and zoning district to P-R (Professional Office and Parking) would constitute an approval for intensification of use within this rural preservation neighborhood. While the Rural Preservation Overlay District Map, which indicates those areas that, at a particular point in time, are deemed consistent with the definition and intent of a rural preservation neighborhood may be amended from time to time to add areas to, or remove areas from, the Overlay District in order to reflect the fact that particular properties have come to qualify, or no longer qualify, for inclusion within a rural preservation neighborhood, good cause must be demonstrated in order for the City Council to approve an intensification of use. No demonstration of "good cause" has been presented either by the applicant or recent changes to the character of this area to warrant an intensification of use on this parcel.

This site development plan review has been submitted in conjunction with a General Plan Amendment (GPA-24245) and Rezoning (ZON-24256) to change the designation to O (Office) and zoning district to P-R (Professional Office and Parking) for this subject site and the properties either side of it to the east and west.

- **Site Plan**

The site lies approximately 390 feet east of the intersection of Rainbow Boulevard and Oakey Boulevard. This is an existing single family, detached residential building that is being converted for a commercial office use. The open area at the rear of the site is an existing pool and landscape area that is indicated to remain. The existing multi-curb cut driveway and front yard area will be redone to allow for a single drive entry, parking lot and perimeter landscape area. There are return gates depicted on both sides of the structure but no indication is made for any vehicular access to rear of the property.

Public Works has commented that it would be preferred that the development/conversion of this site be done in cooperation with the adjacent property owners, which are fellow applicants for the companion General Plan Amendment (GPA-24245) and Rezoning (ZON-24256), to present multi-lot conversions with common access drives and common parking areas.

- **Trails**

There is an existing Pedestrian Path along West Oakey Boulevard. New development on the site must adhere to Exhibit 2 of the Transportation Trails Element of The Las Vegas 2020 Master Plan. An, if approved, condition has been added to this review, that the required technical landscape plan must reflect the pedestrian trail and adhere to the above referenced exhibit.

- **Landscape Plan**

The landscape plan depicts landscaping only from the front on the building to the front property line. Notations on the plan indicate existing landscape at the rear of the site but the plan does not depict or tabulate what landscaping is provided. An eight-foot wide perimeter landscape buffer is required along the rear property line. The typical landscape buffer along the interior property lines is eight feet; however, as the side yard setback requirement is only five feet that is all the width required and provided for this site. The perimeter landscape buffer adjacent to the right-of-way is 15 feet as required.

The perimeter landscape buffer forward of the face of the building is depicted as having six, 24-inch box trees. Those within the perimeter landscape buffer adjacent to the right-of-way are noted as planted at 20 feet on center. The trees within the buffers depicted are less than the number of trees required. Only six trees are provided where 30 would be required within the approximate 596 feet of buffer area. There are no trees in the parking area where two trees are required. As no waivers have been requested as a part of this entitlement application, the standard, if approved, condition requiring the submittal of a technical landscape plan has been modified to include the requirement that the appropriate amount of landscaping be provided along the perimeter and in the parking area in accordance with Title 19.10.010 (J) (11) (c) and Title 19.12.040, respectively.

- **Elevations/Floor Plan**

The building elevations illustrate façade improvements to give the building more of a commercial feel. The design changes include: new metal awnings, storefront doors and windows, and architectural pop-outs to provide accent and framing around the front entrance. The elevations indicated that the building will vary between 11 and 15 feet in height at various points, utilizing a parapet style roof.

The floor plans show that existing residential rooms will be modified to accommodate the proposed commercial office. This includes the upgrading of restroom facilities to meet ANCI standards for accessibility, converting the garage to an office, adding a glass wall to create an office, and converting the kitchen area into a break room.

This request is not compatible with the existing residential developments in the area or the intent of the Rural Preservation Overlay District due to the intensification of use. Therefore, staff is recommending denial of this Site Development Plan Review.

FINDINGS

The following findings must be made for an SDR:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The proposed development is not compatible with adjacent residential development in the surrounding area. This site is within the Rural Preservation Overlay District and the intensity of the proposed use is not appropriate at this location due to the rural character of the existing adjacent residential uses to the north, east, and south.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development is consistent with the proposed O (Office) designation as listed under the Southwest Sector Plan of the General Plan, but is not consistent with intent of the Rural Preservation Overlay District as outlined in Title 19.06.150. Further, the site is non-compliant with regard to the amount of landscaping required within the perimeter landscape buffers and the parking area.

3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

The subject property receives access from West Oakey Boulevard, an 80-foot wide collector street that should be adequate to meet the needs of the proposed office and should not negatively impact the adjacent roadways. The intensification of the allowable uses on this site (from residential to commercial office) could have a negative impact on neighborhood traffic as an office use generates more daily trips than a single family, detached residence.

4. Building and landscape materials are appropriate for the area and for the City;

The building elevations depict an upgraded façade utilizing materials that provide a generally acceptable building. However, the improvements are not compatible with the surrounding residential developments as they produce a very commercial looking building which detracts from the residential character of the area. The proposed landscaping materials are appropriate for this area and the City.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

These are existing building is will have significant façade work done that will produce a building that is not unsightly, undesirable, or obnoxious in appearance. However, the building is not compatible with other development in the area from a building elevation, design characteristics and aesthetic features point of view due to its solitary commercial appearance within a residential area.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The proposed plan will not impact public health, safety or welfare since the development will be subject to City inspections during construction of the building as well routine business license inspections for the tenant commercial spaces.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

6

ASSEMBLY DISTRICT 3

SENATE DISTRICT 8

NOTICES MAILED 361 by Planning Department

APPROVALS 0

PROTESTS 2